

Goals (PBG),¹ and without waiving the right to prosecute the amended Claims (or similar Claims) in the future.

In the present Office Action, the Examiner made a number of arguments, objections, and rejections. For clarity, the rejections at issue are set forth by number in the order they are herein addressed:

(1) Claims 1-5 and 7-11 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly not being enabled;

(2) Claims 1-5 and 7-11 stand rejected under 35 U.S.C. 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention; and

(3) Claim 7 stands rejected under 35 U.S.C. 102 (b), as allegedly being anticipated by Accession number AF111095.

I. The Claims are Enabled

The Examiner has rejected Claims 1-5 and 7-11 under 35 U.S.C. 112, first paragraph, as allegedly not being enabled (Office Action, pg 2). The Applicants respectfully disagree. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have cancelled claims 1-5, 7-11 and 16. Thus, the rejection is moot.

The Applicants submit that new Claims 24-27 are enabled. Claims 24-27 are directed to nucleic acid sequences encoding the polypeptide of SEQ ID NO:3. The Examiner has admitted that "the specification, while being enabling for a composition comprising a nucleic acid comprising SEQ ID NO 1 or the complement of SEQ ID NO 1 or a nucleic acid encoding the polypeptide of SEQ ID NO 3..." (Office Action, pg. 2). As such, Applicants submit that Claims

¹ 65 Fed. Reg. 54603 (Sept. 8, 2000).

24-27 should be passed to allowance.

II. The Claims are Supported by Adequate Written Description

The Examiner has rejected Claims 1-5 and 7-11 under 35 U.S.C. 112, first paragraph as allegedly containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention. (Office Action, pg. 5). The Applicants respectfully disagree. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have cancelled Claims 1-5, 7-11 and 16. Thus, the rejection is moot.

The Applicants submit that new Claims 24-27 are supported by adequate written description. The Examiner admits "[t]he specification teaches the nucleic acid sequence of SEQ ID NO 1 as well as the polypeptide sequence of SEQ ID NO 3 (LPH3, latrophilin 3) and such sequences fulfill the written description requirement of 35 USC 112, first paragraph." (Office Action, pg. 6). As such, Applicants submit that Claims 24-27 should be passed to allowance.

III. The Claims are Free of the Prior Art

The Examiner has rejected Claim 7 under 35 U.S.C. 102 (b), as allegedly being anticipated by Accession number AF111095. The Applicants respectfully disagree. However, in order to further the business interests of the Applicants and while reserving the right to prosecute the original (or similar) claims in the future, the Applicants have cancelled Claims 1-5, 7-11 and 16. Thus, the rejection is moot.

The Applicants submit that new Claims 24-27 are free of the prior art. The Examiner has cited no prior art that teaches a nucleic acid sequence that encodes SEQ ID NO:3 and has admitted that SEQ ID NO:1 is free of the prior art (Office Action, pg. 9). As such, the Applicants submit that Claims 24-27 should be passed to allowance.

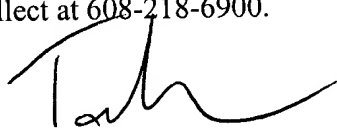
CONCLUSION

All grounds of rejection and objection of the Office Action of August 14, 2002 having been addressed, reconsideration of the application is respectfully requested. It is respectfully

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submitted that the Claims should be allowed. Should the Examiner have any questions, or if a telephone conference would aid in the prosecution of the present application, Applicant encourages the Examiner to call the undersigned collect at 608-218-6900.

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Tanya A. Arenson
Reg. No. 47, 391

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
608/218-6900